

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN UNDERGROUND CABLE AND
PIPE LOCATORS**

Inv. No. 337-TA-727

**ORDER NO. 5: INITIAL DETERMINATION GRANTING JOINT MOTION TO
TERMINATE THE INVESTIGATION AS TO RESPONDENT
LEIDI UTILITY SUPPLY (SHANGHAI) LTD. BASED ON A
SETTLEMENT AGREEMENT BETWEEN COMPLAINANT AND
THE OTHER RESPONDENTS**

(December 1, 2010)

On November 22, 2010, Complainant Radiodetection, Ltd. (“Radiodetection”) and Respondent Leidi Utility Supply (Shanghai) Ltd. (“Leidi Utility”) filed a joint motion (727-008), wherein Radiodetection, pursuant to 19 C.F.R. § 210.21(a), seeks to withdraw its Complaint and terminate the Investigation as to Leidi Utility.^{1,2} The Commission Investigative Staff does not oppose the joint motion. (*See* Staff Resp. at 4-6.) No other responses were received.

The Commission’s Rules provide that:

Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 for an order to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein. ... A motion for termination of an investigation based on withdrawal of the complaint shall contain a statement that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation, or if there are any

¹ This motion follows the joint motion of Complainant and Respondents Vivax Corporation and Metrotech Corporation (d/b/a “Vivax-Metrotech”) and SebaKMT Holding GmbH (“SebaKMT”) to terminate the Investigation as to all Respondents based on a Settlement Agreement, which was filed on November 15, 2010. (*See* Mot. No. 727-007.)

² Leidi Utility is not a party to the Settlement Agreement; however, pursuant to paragraphs 2.3, 2.5, and 9.1 of the Settlement Agreement, Radiodetection has “released Leidi with respect to the allegations of patent infringement against it in this Investigation.” (Mem. at 1.)

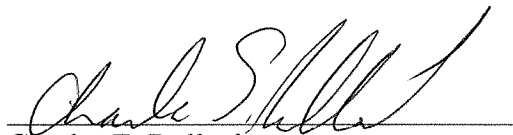
agreements concerning the subject matter of the investigation, all such agreements shall be identified, and if written, a copy shall be filed with the Commission along with the motion. ... The presiding administrative law judge may grant the motion in an initial determination upon such terms and conditions as he deems proper.

19 C.F.R. § 210.21(a)(1). The Commission has further stated that “in the absence of extraordinary circumstances, termination of the investigation will be granted to a complainant during the prehearing stage of an investigation.” *Certain Ultrafiltration Sys. and Components Thereof, Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Comm’n Action and Order at 2 (Mar. 11, 1982).

The undersigned finds no extraordinary circumstances to exist that would prevent the requested termination of this Investigation as to Leidi Utility based on withdrawal of the Complaint. The undersigned further finds that Radiodetection has fully complied with the requirements of Commission Rule 210.21(a). Accordingly, it is the Initial Determination of the undersigned that the joint motion of Radiodetection and Leidi Utility be GRANTED. This Initial Determination is hereby certified to the Commission.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall be the determination of the Commission unless a party files a petition for review of the Initial Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders, on its own motion, a review of the Initial Determination or certain issues herein.

SO ORDERED.

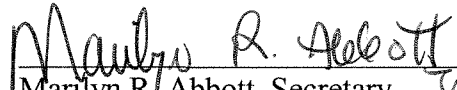


Charles E. Bullock
Administrative Law Judge

IN THE MATTER OF CERTAIN UNDERGROUND CABLE AND PIPE LOCATORS 337-TA-727

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER NO 6: INITIAL DETERMINATION** has been served upon, **Benjamin Levi, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on December 1, **2010.**


Marilyn R. Abbott, Secretary *JRE*
U.S. International Trade Commission
500 E Street, S.W., Room 112A
Washington, DC 20436

FOR COMPLAINANT RADIODETECTION, LTD:

Kenneth J. Sheehan, Esq.
BAKER & HOSTETLER LLP
1050 Connecticut Ave., N.W.
Washington, DC 20036

() Via Hand Delivery
() Via Overnight Mail
() Via First Class Mail
() Other: _____

FOR RESPONDENTS VIVAX-METROTECH CORP. & SebaKMT:

F. David Foster,, Esq.
MILLER & CHEVALIER CHARTERED
655 Fifteenth Street, N.W., Suite 800
Washington, DC 20005

() Via Hand Delivery
() Via Overnight Mail
() Via First Class Mail
() Other: _____

FOR RESPONDENT LEIDI UTILITY SUPPLY LTD.

Steven M. Levitan, Esq.
HAYNES AND BOONE, LLP
2033 Gateway Place, Suite 400
San Jose, CA 95110

() Via Hand Delivery
() Via Overnight Mail
() Via First Class Mail
() Other: _____

**IN THE MATTER OF CERTAIN UNDERGROUND CABLE AND
PIPE LOCATORS**

337-TA-727

PUBLIC MAILING LIST

Heather Hall
LEXIS - NEXIS
9443 Springboro Pike
Miamisburg, OH 45342

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Kenneth Clair
THOMSON WEST
1100 – 13th Street NW
Suite 200
Washington, DC 20005

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____